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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,659	03/10/2004	Gregory Fockler	D-1221 R1a	3936
28995	7590	05/04/2005	EXAMINER	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,659	<b>Applicant(s)</b> FOCKLER, GREGORY	
	<b>Examiner</b> EDWYN LABAZE	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.  
 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) 20 is/are allowed.  
 6) ☒ Claim(s) 1-5 and 17-19 is/are rejected.  
 7) ☐ Claim(s) 7-16 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. This application claims the benefit of provisional application 60/453,667 filed on 3/10/2003.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanna et al. (U.S. 6,761,308).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

Art Unit: 2876

inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Re claim 1: Hanna et al. {hereinafter referred as “Hanna”} discloses automated merchant banking apparatus and method, which includes a cash dispensing automated banking machine 10 (col.7, lines 21-45), wherein the machine 10 includes a door 160/174 hinged connection 218 with a machine body portion (col.18, lines 20+), wherein the machine includes a hinge cover [herein broadly interpreted as cover 46] arrangement, wherein the arrangement includes a hinge cover 46 (as shown in figs. # 19-22), wherein the arrangement includes a linkage 272, wherein the hinge cover 46 is operatively connected to the door 160 via the linkage 272, wherein the hinge cover 46 is operative to move toward or from a position covering the hinge 267 responsive to movement of the door 160 (col.20, lines 33-67; col.21, lines 1+).

Re claim 2: Hanna teaches an apparatus and method, wherein the linkage includes at least a first member 184/272 and a second member 186/286, and wherein the first member is linked with the second member (col.15, lines 55-67).

Re claim 3: Hanna discloses an apparatus, wherein the first member 184/272 is in operative connection with the hinge cover 46 (col.20, lines 33+).

Re claims 4-5: Hanna teaches an apparatus and method, wherein the second member 286 is in operative connection [herein a support 298 in connection with the door 160] with the door, and wherein the first member is in operative connection with the body portion (col.20, lines 38+).

Re claim 6: Hanna discloses an apparatus and method, wherein the first member 184/272 includes a first end 270 and a second end 284, wherein the second member 186/286 includes a first end 294 and a second end 290 (see fig. # 22).

Re claim 17: Hanna discloses an apparatus and method, wherein the hinge cover is operative to move between a hinge concealing [herein broadly interpreted as a retracted position] position and a hinge visible [herein broadly interpreted as an extended] position responsive to movement of the door 160, wherein when the door is closed a hinged connection 46 is concealed from view in a direction facing a front of the door 160 by the hinge cover (as shown in figs. # 20-21; col.19, lines 18+).

Re claim 18: Hanna teaches an apparatus and method, wherein the cash dispensing automated banking machine comprises an ATM (as shown in fig. # 1), wherein the ATM 10 includes a currency dispenser and currency notes, wherein the currency dispenser is operative to dispense the currency notes from the ATM (col.3, lines 30+; col.7, lines 5-45; col.8, lines 25+; col.15, lines 5+).

Re claim 19: Hanna discloses an apparatus and method, which includes means of opening the door 160, wherein the hinge cover 46 moves away from a hinge arrangement 267 connecting the door 160 and the machine body portion; and means of closing the door, wherein the hinge cover moves toward the hinge arrangement (col.21, lines 1+).

***Allowable Subject Matter***

5. Claims 7-15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2876

6. Claim 20 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record discloses a first member having a first end and a second end, a second member having a first end and a second end {Note that claim 6 of claimed invention does not specify that the first member and the second member of the linkage arrangement are physically separated from each other; as stated in claims 9 and 12}, but fails to teach that the first end of the second member is pivotally connected to the first member at a location intermediate the first and second ends of the first member, and wherein the second end of the second member is pivotally connected to the door; and wherein when the door is closed the hinge cover extends away from the body portion a first distance in a first direction and the door extends away from the body portion a second distance in the first direction, wherein the first distance is at least equal to the second distance, and wherein the hinge cover and the door have a substantially equal height. These limitations in conjunction with other limitations were not shown by the prior art of record.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Do et al. (U.S. 6,206,284) discloses flexible configuration automatic teller machine.

Lee (US 2003/0121973) teaches media dispenser module and automated teller machine having the same.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
April 25, 2005



**THIEN M. LE**  
**PRIMARY EXAMINER**